

REMARKS

Reconsideration and allowance of the above-identified application are respectfully requested. Claims 1, 5-12 and 18-27 remain pending.

Claim 1 is rejected under 35 U.S.C. § 103(a) as being obvious in view of the combination of U.S. Patent No. 4,660,568 to Cosman ("Cosman") and U.S. Patent No. 4,566,316 to Takeuchi ("Takeuchi"). This ground of rejection is respectfully traversed.

The combination of Cosman and Takeuchi does not render claim 1 obvious because one of ordinary skill in the art would not have been motivated to combine Cosman and Takeuchi in the manner described in the Office Action.

As discussed in M.P.E.P. § 2141.03 VI., the prior art references must be considered in their entirety. It is respectfully submitted that when Cosman and Takeuchi are considered in their entirety one of ordinary skill in the art would not have been motivated to combine these two patents in the manner described in the Office Action.

Cosman is directed to differential pressure sensing device that is fully *implanted in the body of a patient* in order to monitor, for example, intracranial pressure.<sup>1</sup> The device relies upon the displacement of moveable element 6 for determining pressure changes.<sup>2</sup> The rejection relies upon Figure 8 of Cosman,

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<sup>1</sup> Abstract.

<sup>2</sup> Col. 4, lines 19-32.

which illustrates an inductor coupled in parallel with a capacitor, as well as in parallel with another inductor 28.

The Office Action recognizes that Cosman does not disclose the at least one other element made of piezoelectric or magnetostrictive material, and instead relies upon Takeuchi for this disclosure. Takeuchi discloses a device for *measuring the pressure in a combustion chamber of an internal combustion engine*.<sup>3</sup> The device includes, *inter alia*, an electrode plate 33, a pair of ring piezoelectric elements 35 and 37 and a pair of pressure receiving plates 35 and 37.

There is no indication in Takeuchi that the piezoelectric sensors could be used as part of a sensor implanted in the body of a patient, such as the sensor of Cosman. Takeuchi also does not disclose that the piezoelectric sensors could perform the function of the inductor and capacitor of Figure 8 of Cosman, or that the piezoelectric sensors of Takeuchi could be employed with the movable element in the device of Cosman.

Furthermore, Cosman, being directed to a sensor implanted in a *human body*, and Takeuchi, being directed to a sensor for an *internal combustion engine*, are non-analogous art. Accordingly, one of ordinary skill in the art would not have looked to the internal combustion engine art of Takeuchi in order to modify Cosman's human-implantable sensor in the manner described in the Office Action.

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<sup>3</sup> Col. 1, lines 33-40.

The Office Action states that one of ordinary skill in the art would have been motivated to incorporate the piezoelectric sensors of Takeuchi into the human-implantable sensor of Cosman in order to reduce the number of parts need to complete the sensor. Cosman, however discloses a number of circuits that have fewer parts than that of the embodiment of Figure 8. For example, the embodiment of Figure 7 includes only a variable capacitor, which has fewer parts than the Figure 8 embodiment. Accordingly, in view of Cosman's disclosure of the Figure 7 embodiment, if one of ordinary skill in the art desired to achieve a human-implantable device that has less part than the device of Figure 8, they would look to the device of Figure 7, and not to a sensor used with internal combustion engines.

Because one of ordinary skill in the art, when considering Cosman and Takeuchi as a whole, would not have been motivated to combine these patents in the manner described in the Office Action, claim 1 is not obvious in view of Cosman and Takeuchi and this rejection should be withdrawn.

Claims 5-10, 12, 19-24 and 26 are rejected under 35 U.S.C. § 103(a) as being obvious in view of the combination of Cosman, Takeuchi and U.S. Patent No. 4,453,269 to Skar ("Skar"). Claims 11 and 23 are rejected under 35 U.S.C. § 103(a) as being obvious in view of the combination of Cosman, Takeuchi, Skar and the article "A New Generation of Passive Radio Requestable SAW sensors for Ultra Fast Measurements" by Pohl et al. ("Pohl"). Claims 18 and 27 are rejected under 35 U.S.C. § 103(a) as being obvious in view of the combination of

Cosman, Takeuchi, Skar and the article "Newly Designed Meander Type Thin Film Inductor with Triangular Shape" by Ryu et al. ("Ryu"). These grounds of rejection are respectfully traversed.

Independent claim 19 recites similar elements to those discussed above with regard to claim 1, and is patentably distinguishable over the combination of Cosman and Takeuchi for similar reasons.

Claims 5-12, 18 and 20-27 variously depend from independent claims 1 and 19. As discussed above, one of ordinary skill in the art would not have been motivated to combine Cosman and Takeuchi in the manner described in the Office Action. It is respectfully submitted that Skar, Pohl and Ryu do not provide such a motivation, or otherwise remedy the deficiencies of the combination of Cosman and Takeuchi. Accordingly, it is respectfully submitted that claims 5-12, 18 and 20-27 are patentably distinguishable over the current grounds of rejection. Therefore, it is respectfully requested that the rejection of claims 5-12 and 18-27 for obviousness be withdrawn.

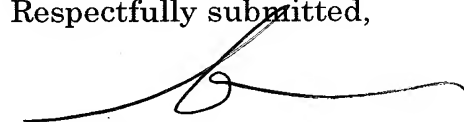
Serial No. 10/523,813  
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Reply to Office Action: August 22, 2007  
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If there are any questions regarding this response or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket # 101619.55842US).

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Respectfully submitted,



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Stephen W. Palan  
Registration No. 43,420

CROWELL & MORING, LLP  
Intellectual Property Group  
P.O. Box 14300  
Washington, DC 20044-4300  
Telephone No.: (202) 624-2500  
Facsimile No.: (202) 628-8844  
SWP:crr  
4665126